

REMARKS

Accompanying this filing are: a petition for a three-month extension of time; a Revocation of Power of Attorney and Appointment of New Attorney; and a copy of an Assignment and Recordal Cover Sheet evidencing the ownership interest of Haemonetics Corporation.

Below are detailed remarks addressing each objection/rejection raised in the Office Action dated September 9, 2004. No new matter has been added by the present amendment.

Claim Rejections - 35 U.S.C. § 112

In response to the rejection of claims 15 and 40, both claims have been amended to recite that the fist conduit is in communication with a gas vent. Claim 40 has been amended to correct a drafting error, and it now recites that the gas vent is positioned downstream of the valve as was correctly suggested in the action. Claim 15 did not originally specify the position of the gas vent relative to the valve and therefore has not been amended to so specify with this amendment. In the action it was inquired how locating the gas vent near clamp served any purpose. In response, attention is directed to page 9, lines 22-23 and page 10 lines 19-21 of the specification where it is recited that closing the clamp upstream of the vent serves to hold the sample in the

Amendments to the Drawings:

The attached sheets of drawings include changes to FIGS. 1 and 4. The attached sheets replace the original sheets showing FIGS 1 and 4. In both FIGS. 1 and 4, the same two changes are made: 1) reference numeral 140 erroneously pointing to the vent in the original drawings, has been moved to properly indicate the clamp located upstream to the vent; 2) the second appearance of reference numeral 160 (indicating the spike) has been changed to 161 to avoid confusion with the one-way valve, also originally numbered with 160.

chamber and also allows creates back pressure if ejection of the fluid is accomplished by squeezing the chamber to eject through the second port.

The rejection of claims 1, 7-10, 15, 20, 21, 23, 40-44, 50 and 51 because the recitation of "closed" [system] in independent claims 1 and 23 is considered inaccurate is traversed. Applicants' definition of "a closed fluidic sampling system" is clearly presented in the specification at page 6, lines 1-4 and is also expressed at page 3, line 3, among other passages in the specification. Though some fluids may pass into or from the system at various stages, the system employs suitable barriers to maintain sterility in the system at all times. In this sense the system is "closed". Reconsideration of this rejection is requested.

In response to the rejection of claim 20, the claim has been amended to correct a drafting error. The examiner correctly noted that it was intended that "material" read – chamber-.

As to the rejections of claims 59 and 70 – no action has been taken as the claims are currently withdrawn from consideration.

Claim Rejections based on Novelty and Obviousness -

35 U.S.C. §§ 102 & 103

Claim 10 was not rejected as anticipated or obvious in view of the prior art. In view of the patentability of claim 10 over the prior art, each pending independent claim (i.e. claims 1, 23 and 52) has been amended to incorporate the subject matter of claim 10 (and claim 9 from which it depends). Accordingly, claims 1, 23 and 52, as well as all claims that depend from them also should now be considered patentable over the prior art.

Because the subject matter of claims 9 and 10 has been incorporated into claim 1, those claims have been cancelled. Likewise, claims 43 and 44, defining similar subject matter that was incorporated into claim 23, have also been canceled.

Amendments to the Specification

At page 2, line 28 of the specification “second port” was changed to –connector-. It is apparent in reading the relevant sentence that the appearance of “second port” was a typographical error and based on the clarifying statement that the “connector” is a Y-connector that the word connector was intended to be used.

At page 7, lines 18 and 19, “second” conduit was changed to –third- conduit to define element 110. This amendment corrects a typographical error and makes the

Appl. No. 10/801,180
Amendment dated March 9, 2005
Reply to Office Action dated September 9, 2004

passage consistent with the rest of the specification.

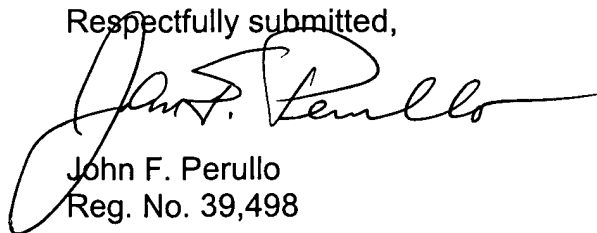
At various places on page 10, reference numeral 160 used to identify the spike, was changed to reference numeral 161. This change corrects a clerical error by which reference numeral 160 was accidentally used to identify two different elements (the one-way valve and the spike). The one-way valve remains as reference numeral 160 and the spike has been renumbered as 161. Corresponding changes were made in the drawing as outlined above.

New Claim

New claim 76 is presented for consideration.

If there are any charges or any credits, please apply them to Deposit Account No. 50-3067.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John F. Perullo", is written over the typed name and registration number.

John F. Perullo
Reg. No. 39,498

Date: March 9, 2005

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REPLY TO OFFICE ACTION of SEPT. 9, 2004

ANNOTATED SHEET SHOWING CHANGES

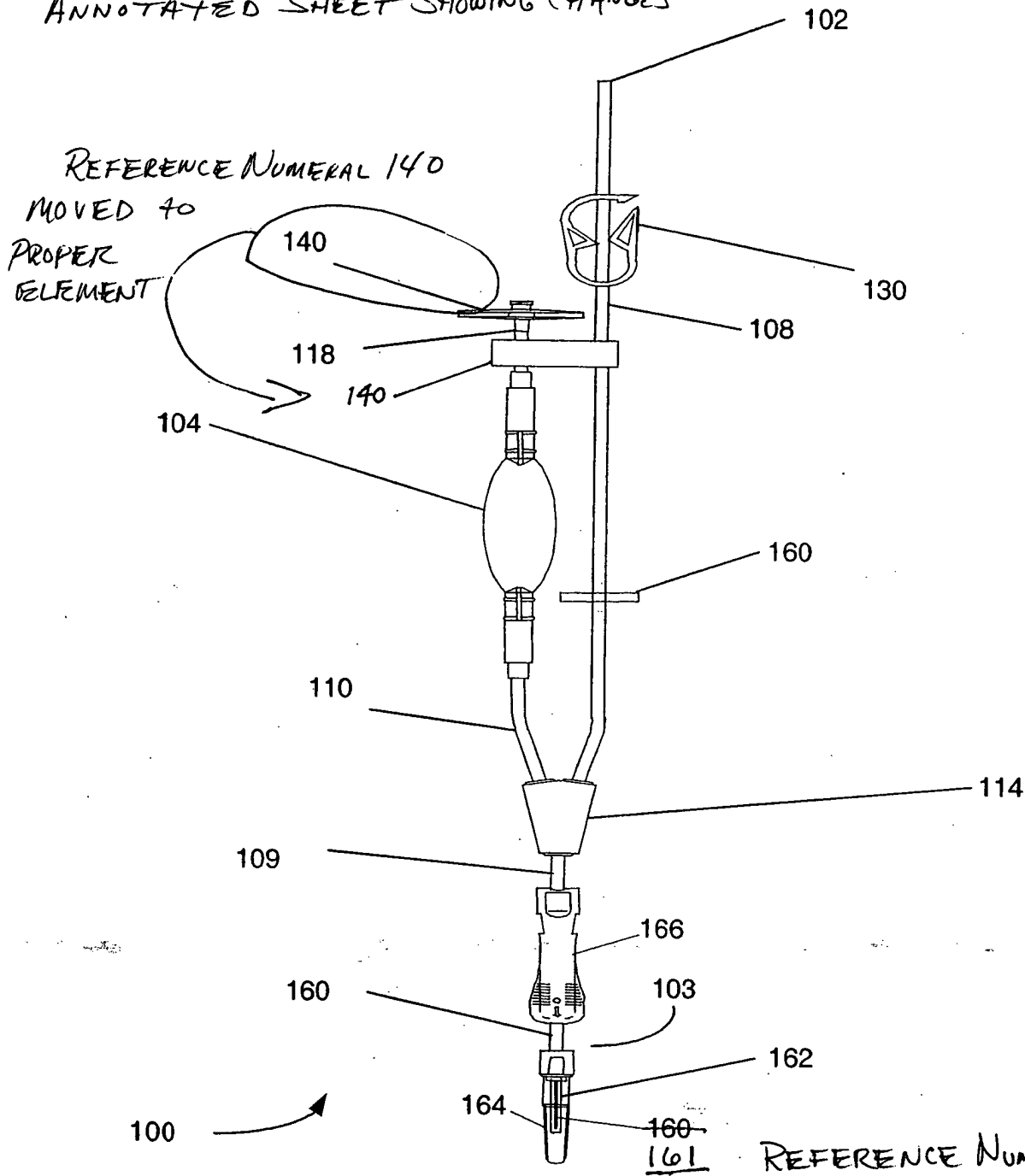


Figure 1

App. No. 10/201,180
 AMDT. DATED MARCH 9, 2005
 REPLY TO OFFICE ACTION of
 SEPT 9, 2004

ANNOTATED SHEET
 SHOWING CHANGES

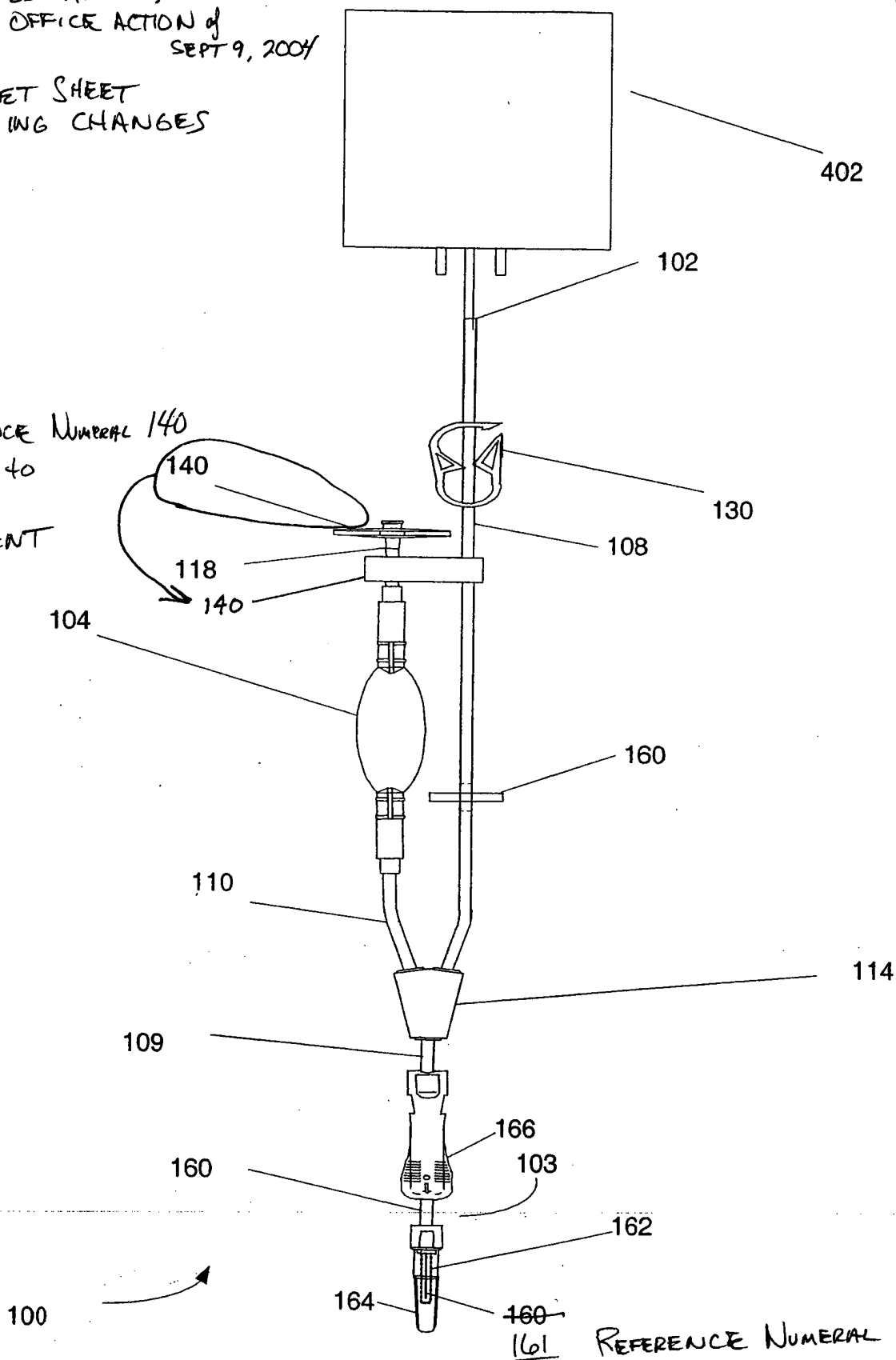
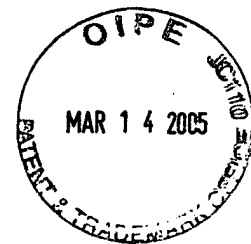


Figure 4

REFERENCE NUMERAL 160
 CHANGED TO 161
 TO CORRECT DOUBLE
 NUMBERING